

SUMMARY: UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS OCTOBER 2019

TEXT AMENDMENT TOPIC SUMMARY

A. RURAL BUSINESS

1. Rural Home Occupation:

- The code currently allows "Customary Home Occupations" but prohibits use in detached accessory structures/contracting businesses.
- Amendments allow low-intensity businesses as accessory uses on rural residential properties with little or no impact on surrounding areas, subject to performance standards.
- Adopted amendments establish performance standards as follows:
 - Minimum lot size of 80,000 square feet.
 - Home occupation may occupy no more than 50% of the home or one detached accessory structure.
 - No more than 1,000 square feet on an accessory structure may be used for home occupation
 - The use of the property for a rural home occupation must be clearly incidental and subordinate to the residential use.
 - Accessory structures must meet principal structure setbacks.
 - A maximum of 3 nonresident employees
 - The operator of the home occupation must be a full-time resident
 - No more than 6 customers a day, from 8:00 a.m. to 8:00 p.m.



2. Rural Business:

- Establishes Rural Business as a principal use
- Rural businesses are “small scale, lower intensity commercial uses that are compatible with rural residential and agricultural areas and do not create a nuisance for residents in the area”. Performance standards will be established to minimize impacts on surrounding area.
- Examples include small-scale contracting businesses such as masonry, plumbing, painting, electrical or general contracting, small engine repair, woodworking, and artisan workshops.
- Adopted amendments establish performance standards as follows:
 - Permitted on Agricultural lots 200,000 square feet or more.
 - Require a CUP for outdoor storage in excess of 10% of the site.
 - Require a delegated CUP in Estate and Residential-1 zoning districts on lots 200,000 square feet or more.
 - Rural Businesses shall not be located in platted subdivisions.
 - Subject to Site Capacity/Site Plan Review.
 - Structures must comply with dimensional standards for principal nonresidential uses in the underlying zoning district.
 - Equipment, parking, and material storage shall be screened from adjoining properties.
 - Material storage may not exceed 10 feet in height, or a height established by the CUP.



3. Landscape Contractor's Storage Yard:

To reduce practical barriers to establishing landscape contracting uses, the adopted amendments include:

- Reduce the required minimum lot size from 400,000 square feet (10 acres) to 200,000 square feet (5 acres)
- Removes requirement that 50% of the site is to be planted and maintained as nursery stock.

B. LOCAL FOOD

1. Backyard Chickens:

Adopted Amendments:

- Coops may be freestanding or integrated into an accessory structure. Freestanding coops shall not exceed 8 feet in height.
- The number of hens allowed on non-exempt residential properties has been amended to allow up to 4 hens on any property regardless of size, provided all other requirements can be met.

Minimum Lot Size	Maximum Number of Hens Allowed
None	4
10,000 sq. ft.	6
20,000 sq. ft.	8
40,000 sq. ft.	10
80,000 sq. ft.	12

2. Adopted amendments modify hoop house regulations as follows:

- Reduce minimum lot size to allow hoophouses up to 100 square feet, in aggregate, on lots 10,000 square feet or less.
- An additional 100 square feet in area shall be allowed for each additional 20,000 square feet in lot area.
- Allow ornamental plants to be grown in hoop houses.
- Prohibit hoophouses in between a principal residence and the right-of-way, in the case of an unapproved right-of-way this provision may be waived by the Director.

3. Cottage Food Operations

- Permits the production of certain food items in a residential kitchen for sale exclusively at farmer's markets.
- Subject to existing home occupation regulations.
- Must annually apply for Cottage Food Operation Registration from the Lake County Health Department.

4. Local Food Gardens

- Definition: "A parcel or any portion thereof, managed and maintained by a person or group of persons, for the growing and harvesting of food products and/or ornamental plants, exclusive of those agricultural uses that required large-scale mechanized equipment not customarily used for residential gardening."
- Amendments allow on lots of any size, in any zoning district provided sufficient off-street parking is provided and mechanized equipment use is limited
- Sets standards for operations and maintenance, including:
 - Daylight hours only
 - Regular weeding
 - End of season maintenance/clean-up
 - Composting standards:
 - Must be on same parcel as Local Food Garden
 - Composted material must be produced on site
 - No compost pile in excess of 4 feet high
 - No compost pile in excess of 100 square feet in area
 - Compost piles must be fenced with a 6-foot solid fence
 - Compost piles must be set back a minimum of 30 feet from structures on adjoining parcels, not including garages/sheds
 - Local food garden waste must not cause odors detectable on adjacent properties
- Provides for accessory structure standards:
 - Sheds not to exceed 250 square feet
 - Only for tools and materials for crop raising
 - Hoop houses allowed per existing standards
 - Water storage structures may be allowed with visual screening
 - Must be located a minimum of 30 feet from structures on adjoining parcels, not including garages/sheds



5. Farm to Table Events

- Adds farm-to-table events as a permitted temporary Event of Public Interest
- Subject to existing standards, including:
 - Maximum of 15 days per calendar year
 - Only nonresidential or institutional properties
 - Adequate parking must be provided
 - Liquor permit may be required

- Additional standards may apply as necessary
- Obtain temporary food service permit from the Lake County Health Department

6. Farmers Markets

- Adds farmers' markets as a type of Temporary Sales
- Permitted in all zoning districts for a maximum of 24 days a year
- Residential properties require:
 - Minimum lot area of 80,000 square feet
 - Minimum road frontage of 190 feet
- Must provide adequate off-street parking
- Additional standards including daylight hours, source of products, setbacks, traffic considerations, access location, compliance with state, federal, county health regulations

7. Value-Added Agricultural Processing

- The small-scale processing and/or packaging of raw agricultural products resulting in an increase in the value of the agricultural product. Examples include honey, soap, and jams.
- Allows value-added products to be sold through Farm Produce Sales
- Processing allowed as an accessory use to a permitted agricultural use, subject to the following conditions:
 - No more than 1,200 square feet of floor area to be used
 - Primary ingredients grown on-site
 - Will not cause odor, vibration, etc. perceptible beyond the property lines
- Value-added agricultural processing is not considered manufacturing and production per UDO regulations

C. GENERAL DEVELOPMENT STANDARDS

1. Parking Standards

The following amendments to the parking standards have been adopted:

- Restaurant Parking: Creation of three separate categories of restaurants with parking requirements unique to each category to include:
 - Class "A" (Fast Food): 12 per 1,000 square feet, plus 1 per 3 employees, plus stacking spaces per
 - Class "B" (Fast Casual): 14 per 1,000 square feet, plus 1 per 3 employees
 - Class "C" (Full Service) 12 per 1,000 square feet, plus 1 per 3 employees

- Warehouse Parking: Require 1 space per employee rather than floor area calculation for warehousing and freight movement uses.
- Clarify gross floor area for the purpose of calculating parking space. Specifies the following areas shall be exempt:
 - a. Storage accessory to the principal use of the building;
 - b. Window displays;
 - c. Offices or spaces incidental to the management or maintenance of a store or building;
 - d. Restrooms;
 - e. Utilities, including HVAC systems; or
 - f. Dressing, fitting, or alteration rooms.
- Fleet Vehicle Parking: Requires 1 parking space per fleet vehicle.
- Operational Considerations: The applicant should consider their unique operations and may need to provide more parking. The PB&D Director may require additional analysis of business operational needs.

2. Landscaping Standards

- Reorganizes landscaping to help with ease of use
- Relocates Best Management Practices (BMPs) section to encourage greater visibility and utilization
- Includes credits for the incorporation of native plants to encourage sustainable practices.
 - a. Native perennials and grasses may be planted in lieu of shrubs, up to 20% of the total number of required shrubs. Three (3) native perennial plants or native grasses shall equal one (1) shrub.
- Allows for practical application of landscaping requirements when those features overlap.
 - a. In situations where the perimeter of the parking lot overlaps with the required transition area, whichever requirement is greater shall apply.
- Adjusts plant material standards to reflect best practices and nursery stock availability.

Old standard:

Plant Type	Minimum Size
Canopy tree	3 inch caliper
Understory/ornamental tree	2 inch caliper or 8 feet height
Evergreen/conifer tree	8 feet height
Shrubs	
Broadleaf/deciduous	3 feet height
Needleleaf/evergreen	2 feet width

New standard:

<u>Plant Type</u>	<u>Minimum Size</u>
<u>Canopy tree</u>	<u>3-inch caliper</u>
<u>Understory/ornamental tree</u>	<u>2-inch caliper or 8 feet height</u>
<u>Evergreen/conifer tree</u>	<u>8 feet height</u>
<u>Shrubs</u>	
<u>Broadleaf/deciduous</u>	<u>3 feet height</u>
<u>Needleleaf/evergreen</u>	<u>2 feet height</u>
<u>Columnar evergreen</u>	<u>3 feet height</u>

Modified reforestation plant material standards:

Old Standard:

<i>Plant Material Required Per Acre</i>	<i>Minimum Size of Plant Material</i>	
Option 1	10 Canopy trees	4-inch caliper size
	10 Canopy trees	3-inch caliper size
	50 Canopy trees	2-inch caliper size
	20 Understory trees	2-inch caliper size
	100 Shrubs	3-foot height
Option 2	10 Canopy trees	4-inch caliper size
	10 Canopy trees	3-inch caliper size
	100 Understory trees	1-1/2-inch caliper size
	200 Shrubs	3-foot height

New Standard:

Plant Material Required Per Acre	Minimum Size of Plant Material	
Option 1	10 Canopy trees	3-inch caliper size
	20 Canopy trees	2-inch caliper size
	30 Understory trees	2-inch caliper size
Option 2	10 Canopy trees	3-inch caliper size
	50 Understory trees	1-1/2-inch caliper size

D. SOLAR ENERGY SYSTEMS

1. Types of Solar Energy Systems:

- a. Roof-Mounted
- b. Building-Integrated
- c. Ground-Mounted
 - i. Small-Scale System: Less 1,750 Square Feet
 - ii. Medium-Scale System: More than 1,750 but less than 40,000 square feet
 - iii. Large-Scale System: At least 40,000 square feet

2. By-Right vs. CUP

- a. Large-scale systems are permitted as in industrial zoning districts, and require a non-delegated Conditional Use Permit (CUP) in all other districts
- b. Principal use small-scale systems required CUP in all residential districts and are permitted in all nonresidential districts. Accessory use small-scale systems permitted in all zoning districts.
- c. Accessory use ground-mounted solar energy systems of all sizes (small, medium, or large) shall be permitted in all zoning districts for those institutional, commercial, or industrial uses with campuses comprised of 5 acres or more.

3. Approval Processes:

- a. All medium and large-scale systems are subject to the Site Capacity/Site Plan review process.

4. Dimensional Standards:

- a. Systems must meet setbacks for the underlying zoning district
- b. Height: Maximum height of 15 feet for principal use, 10 feet for accessory use with ability for Director to approve up to 15 feet
- c. No accessory solar in between principal residential structure and street
- d. Arrays do not count towards Impervious Surface Ratio (ISR) limit
- e. Accessory systems servicing a residential use are limited to 5% of net buildable area, or 500 square feet, whichever is less
- f. There is no limit to the area or number of arrays servicing a nonresidential use if it meets the definition of accessory use

5. Exceptions:

- a. Mechanical or storage systems associated with solar energy systems allowed to encroach into setbacks similarly to air conditioning units or generators
- b. Roof mounted exempt from height limits but shall not exceed six feet above the height of the building
- c. Exempt from lot consolidation standards
- d. Expressly allow solar systems on nonconforming lots

6. Prohibitions:

- a. Prohibition on concentrated solar technology as accessory or principal use

7. Additional Standards:

- a. All medium and large-scale systems must be enclosed with security fencing with a locking mechanism
- b. Principal use systems must provide written authorization from the local utility company
- c. Medium and large-scale systems must be planted with native prairie species
- d. All signage must meet existing UDO standards
- e. If lighting is proposed, must meet all existing UDO standards (

8. Decommissioning and Removal:

- a. Any ground mounted system which has reached the end of its useful life or has been abandoned shall be removed
- b. Specify components to be removed
- c. County may get court order to have it removed, or a court order to enter the property to remove it and place a lien on the property
- d. For principal use medium or large-scale systems developer must submit an estimated cost to remove system and provide a bond, letter of credit, or surety bond

E. OTHER SUBSTANTIVE

1. Non-Customary Recreational Structures:

The adopted amendments allow these types of structures with the following standards:

- Allow in agricultural and residential zoning districts, (other than Rural Estate) only on lots greater than 40,000 square feet.
- Require a delegated conditional use permit (CUP) on lots less than 40,000 square feet.
- In either case, the structure would have to meet principal structure setbacks, be located a minimum of 30 feet from existing structures on adjoining parcels (garages/sheds excepted), and noise levels not exceed 60 decibels.



2. Temporary Uses

- Specify temporary events of public interest located in a residential district must be directly related to approved nonresidential, institutional or agricultural use
 - a. Allowed: Church benefit dinner, school fundraiser, barn dance
 - b. Not Allowed: Concert series on agricultural property

- Add temporary use to allow a quasi-governmental agency to conduct public safety training in a temporary structure
- Permit shall not exceed a period of more than 1-year

3. Setback Exception

- Eliminate gutters from this list of allowed encroachments so that they can extend further into setbacks than other allowed encroachments (eaves, overhangs, etc.)